

CALHOUN COUNTY
BOARD OF COMMISSIONERS
POLICY STATEMENT

SUBJECT: HANDLING AND PROCESSING CIVIL SUITS AND OTHER CLAIMS AGAINST CALHOUN COUNTY AND ITS OFFICIALS, DEPARTMENTS, EMPLOYEES AND AGENTS	DATE APPROVED 1/22/91	EFFECTIVE Immediately	POLICY NO. 233
		REPLACES 233 of 11/21/88	

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M.C.L.A. 46.11 (p) and M.C.L.A. 49.73 obligate the Calhoun County Board of Commissioners ("Board") to appoint competent legal counsel to defend Calhoun County ("County"), its departments or agencies, or its elected officials in civil suits.

Michigan Municipal Risk Management Authority or other or subsequent county insurance carrier will appoint legal counsel to defend lawsuits against Calhoun County where insurance coverage exists; however, the Board of Commissioners, through a resolution, may appoint co-counsel.

The filing and service of a civil lawsuit requires an expeditious assignment of counsel to represent the County, its departments or agencies, or its elected officials.

It is important that this policy be followed in order to properly obtain legal representation to defend any court actions against Calhoun County and to monitor the status of all pending civil litigation involving Calhoun County.

The following procedure shall be followed when the County receives a civil complaint and summons:

A. ONLY THE COUNTY IS NAMED AS THE DEFENDANT

1. In such a case, the suit shall be served and accepted only by the Chairperson of the Board of Commissioners, or the County Clerk-Register.

B. AN ELECTED OR APPOINTED OFFICIAL IS SUED INDIVIDUALLY

1. In such a case, the suit shall be served and accepted only by the elected or appointed official who is being sued.

C. BOTH THE COUNTY AND AN ELECTED OR APPOINTED OFFICIAL ARE NAMED TOGETHER AS DEFENDANTS

1. In such a case, the service against the County shall be handled as in Section A above, and the service against the Elected or Appointed Official shall be handled as in Section B above.

Copies of all lawsuits shall be transmitted to the Clerk-Register's Office, the Finance Department, and the Prosecuting Attorney's Office immediately.

The following information shall also be transmitted to the Office of the Prosecuting Attorney immediately:

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1. The date and time when pleadings are received.
2. A brief written synopsis of your position; i.e., what do you know about the claim.
3. A list of the members of your office or department who have specific knowledge of the matter alleged in the complaint.
4. Copies of all documents, notes, etc., in your possession regarding the matter.

A written answer to all civil suits must be promptly prepared and filed. DO NOT DELAY IN CONTACTING THE PROSECUTOR'S OFFICE. If you need more than one day to complete the information listed in items 2, 3 and 4 above, please submit a note along with the lawsuit that the rest of the information will be forthcoming.

The Prosecutor's Office will contact the County's self-insurance claims administrator, Municipal Claims Service, Inc., to provide legal assistance. If the self-insurance program is not obligated to defend, other arrangements for legal defense will be made through the Board of Commissioners.

Accidents, potential claims and other incidents, that do not involve employees of the County, and could lead to litigation, should have a Supervisors Claim/Incident Report filed with the Finance Director for punctual processing and reporting to Municipal Claims Service, Inc.

Accidents, potential claims and other incidents involving County employees, that could lead to litigation, should have a Supervisors Claim/Incident Report filed with the Personnel Director for processing.

No County official, including any of its elected officials or judges, shall have the right to employ counsel to defend such a complaint at the County's expense without the Board's prior approval; and the County shall have no obligation to pay the fees of any attorney for service rendered to the County; its departments or agencies, or its officials until and unless the employment of said attorney is approved by the Board.

NOTE: The Vice-Chairperson of the Board of Commissioners, or a Chief Deputy Clerk-Register may sign for service of a lawsuit in the absence of the Board Chairperson or the Clerk-Register.

The Notice of Suit/Request for Counsel form is no longer needed.